IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Special Appeal No. 34 of 2004

Mahavir Prasad & another ……. Appellants

Versus

The Registrar, Co-operative Societies,
Uttaranchal, Dehradun & others. …. Respondents

&

Special Appeal No. 32 of 2004

Pradeep Lal Sah & others. …… Appellants

Versus

The Registrar, Co-operative Societies,
Uttaranchal, Dehradun & others. …. Respondents

&

Special Appeal No. 35 of 2004

Pradeep Lal Sah & anothers. …… Appellants

Versus

The Registrar, Co-operative Societies,
Uttaranchal, Dehradun & others. …. Respondents

Mr. Sudhanshu Dhulia, learned senior counsel assisted by Ms. Puja Banga, Advocate on behalf of the appellants.
Mr. U.K. Uniyal, learned Addl. Advocate General for the State.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

(Per Hon'ble the Chief Justice)

1. Heard learned counsel for the parties.

2. These special appeals are against the judgment of the learned Single Judge dated 7th August, 2004, whereby the learned Single Judge has dismissed the writ petition, so far as it pertained to respondent No. 3, holding that the promotion of respondent No. 3

could not be compared to and could not be complained of by any of the petitioner (appellant herein) because the respondent No. 3 was initially appointed in a higher post. We will not go into that question in this appeal and we find the judgment to be absolutely correct on that issue. The writ petition, therefore, in so far as it pertains to respondent No. 3 was rightly dismissed and we confirm the same.

3. The other question is about the right of the petitioners (appellants herein) to be regularized in their promotion to the Group II post of Inspector to began with and if necessary, to their further promotion to Group I post. Mr. U.K. Uniyal, learned Addl. Advocate General has given us an assurance that as per the directions issued by the learned Single Judge, the Government shall, within a reasonable time, take up the exercise of the regularization of the promotions of Group III Inspectors, which would include the appellants also. The learned Addl. Advocate General also goes on to say that this shall be done strictly in accordance with service rules.

4. On that, we do not think that there will be any rationale on our part to proceed with these appeals. However, the Government shall take up this exercise within four months from today. It shall be open to appellants to get the deemed date of their regularization and we are keeping that question open.

5. Accordingly, all the these appeals are disposed of on the basis of the statement made before

(Irshad Hussain, J.) **(V.S. Sirpurkar, C.J.)**
23.09.2004 **23.09.2004**

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